David Knowles Deposition Exhibit 21

Immanuel St. Joseph's Mayo Health System

CERTIFICATION OF MEDICAL RECORDS

DATE:

November 2, 2001

RE:

Korey Stringer

DOB:

5-8-74

I, Shari Lynch, Legal Coordinator, do hereby certify that the attached photographic copies, of the medical provider's record, covering the dates of 7-31-01 to 8-1-01, have been compared with the original on file and the attached photographic copy is a legible, true and complete duplicate of said medical provider's record.

Further, I certify these are:

_X _Complete copies of the patient's medical record

____Complete copies of the specific parts of the patient's medical record as requested. Specific parts listed below:

Further, I understand that this certification is made pursuant to Minnesota Statute 145.31 and I understand that these records will or may be used as evidence in a court of law.

Shari Lynch Legal Coordinator

Immanuel St. Joseph's

Mayo Health System

1025 Marsh Street, P.O. Box 8673, Mankato, MN 56002-8673

Shari Lynch

Legal Coordinator/Release of Information Health Information Management

Phone: 507-345-2621, Voicemail Ext. 2122 • Fax: 507-345-2978 Email: lynch.shari@mayo.edu



Certification By Eustodian Of Resords

Location Name Health Information	Subject Subject
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tient Registra on Immanu_ St. Joseph's - Mayo Health System 1025 Marsh Street, PO Box 8673, Mankato, MN 56002-8673 IN STRINGER, KOREY DOB: 05/08/74 | Acct #: 00041590555 | Med Rec #: 000291620 9520 VIKING DRIVE <u>Age: 27</u> Sex: M ALLERGIC/SENSTITIVE TO LATEX: UNSURE KDEN PRAIRIE MN 55344 | SS #: MEDICAL RESEARCH: NOT AS Home phone: 952-828-6500 INFO SHARE AUTH: Not asked Religion: Unknown ADVANCE DIRECTIVE: NO Affiliation: Unknown DRO: Employer: MINNESOTA VIKINGS 952-828-6500 Admit/Registration Date Guarantor SS #: T033514 07/31/01 1415 Employer STRINGER, KOREY 9520 VIKING DRIVE MINNESOTA VIKINGS 9520 VIKING DRIVE EDEN PRAIRIE Service: CC MN 55344 RDEN PRAIRIE MN 55344 Location: CC Home phone:952-828-6500 CC4-1 Emplr. Phone: 952-828-6500 Relationship: Self Financial Class: WC Arrived by: AMB Next of Kin Person to Notify BARTA, CHUCK 9520 VIKING DRIVE Physicians: EDEN PRAIRIE MN 55344 Admit/ER: Knowles, W David Home phone: 507-387-6909 Home phone: Attend: Knowles, W David Work phone: TRAINING DESK Work phone: Family: Unknown Other: 1 Sterling Admin Service Subscriber: STRINGER, KOREY Policy #: . SE Company: Group #: Plan: Comment: -2 · Subscriber: Policy #: Company: Group #: Plan: Comment: Subscriber: Policy #: Company: Group #: Plan: Comment: Subscriber: Policy #: Company: Group #: Plan: Comment: Accident: Y Date: 07/31/01 Type: AER PT INJ DURING PRACTICE FP Group: SCH Source: Insurance Authorization: WC/VIKES Diagnosis: Procédures: Primary Clinic: Pt doesn't know Insurance #1: Sterling Admin Service 8/2000

IMMANUEL ST. JOSEPH'S - MAYO HEALTH SYSTEM

TRINGER, KOREY #291620 DR. KNOWLES ADM 7/31/01 - 8/1/01

ledicare DRG

454 OTHER INJURIES, POISONINGS & TOXIC EFFECTS with CC HCFA wt 0.8593 A/LOS 04.6 G/LOS 03.2

rincipal Diagnosis

*9920 HEAT STROKE AND SUNSTROKE

econdary Diagnoses

JIGOT ACCIE RESPIRATORY FAILUR	*51881	ACUTE RESPIRATORY	FAILURE
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*5845 -ACUTE RENAL FAILURE WITH TUBULAR NECROSIS

*2866 ~DISSEMINATED INTRAVASCULAR COAGULOPATHY

*2767 **HYPERPOTASSEMIA**

*2761 HYPOSMOLALITY and/or HYPONATREMIA

*2762 ~METABOLIC ACIDOSIS

VOLUME DEPLETION DISORDER (DEHYDRATION) *2765

ACCIDENT CAUSED BY EXCESSIVE HEAT DUE TO WEATHER CONDITIONS E9000

Injury or Poisoning occurring at/in other specified places E8498

72889 ~RHABDOMYOLYSIS

rincipal Procedure

· 9671 CONTINUOUS MECHANICAL VENTILATION FOR LESS THAN 96 CONSECUTIVE HOURS 07/31/2001 DR. SANDERS

ther Procedures

SYSTEMIC ARTERIAL PRESSURE MONITORING 8961

07/31/2001 DR. NOBREGA

8962 CENTRAL VENOUS PRESSURE MONITORING

VENOUS CATHETERIZATION FOR RENAL DIALYSIS 3895

07/31/2001 DR. HOULIHAN

3995 **HEMODIALYSIS**

> 07/31/2001 DR. R. STORVICK

9960 CARDIOPULMONARY RESUSCITATION

08/01/2001 DR. R. STORVICK

hysician's Signature		Date	
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LINICAL CODING		Unit#: 291	620
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Pathologists, P.C.

1025 Marsh Street P.O. Box 8673

Mankato, MN 56002-8673

(507) 345-2626

Patient:

STRINGER, KOREY

Patient ID #:

291620

Address:

9520 VIKING DRIVE

City/State/Zip: EDEN PRAIRIE, MN 55344

DOB/Age/Sex: 05/08/1974 (Age: 27)M

IMMANUEL ST JOSEPHS 4560780

1025 MARSH ST

MANKATO, MN 56001 Copy to:

DR. DAVID KNOWLES (MANKATO CLINIC)

Autopsy #:

Admitted on:

Expired on:

Autopsy on:

Restrictions: NONE Prosector: DENNIS D. GREMEL, M.D.

Staff Pathologist: DENNIS D. GREMEL, M.D.

MA01-48

08/01/01 03:00P

08/01/01

PRELIMINARY REPORT

AUTOPSY PROVISIONAL REPORT

PROVISIONAL ANATOMIC DIAGNOSIS:

Clinical heatstroke with hyperthermia. I.

Patient presenting unresponsive with core body temperature 108.8 degrees Fahrenheit by rectal thermometer.

Clinical disseminated intravascular coagulation and II. rhabdomyolysis.

III. Subsidiary diagnoses:

Congestion of the lungs.

Mild edema of the kidneys. в.

Minimal atherosclerotic change of major vessels. C.

Diffuse petechial hemorrhages of small and large bowel mucosa with hemorrhagic material in bowel lumen.

Mild cerebral edema. IV.

Dictated:

08/02/01

Transcribed:

08/02/01

D. GREMEI

pap/08/02/01

STRINGER, KOREY

THIS DATA WILL NOT APPEAR ON FUTURE CUM. SUMS; RETAIN ON RECORD THRU DISCHARGE

LADODATONA

End of Report



Copy to:

Pathologists, P.C.

1025 Marsh Street P.O. Box 8673 Mankato, MM 56002-8673 (507) 345-2626

STRINGER, KOREY Patient:

Patient ID #: 291620

Address: 9520 VIKING DRIVE

City/State/Zip: EDEN PRAIRIE, MN 55344 DOB/Age/Sex: 05/08/1974 (Age: 27)M

IMMANUEL ST JOSEPHS 4560780

1025 MARSH ST

MANKATO, MN 56001

Restrictions: NONE

Autopsy #:

Admitted on:

Expired on:

Autopsy on:

Prosector: DENNIS D. GREMEL, M.D.

Staff Pathologist: DENNIS D. GREMEL, M.D. DR. DAVID KNOWLES (MANKATO CLINIC)

MA01 - 48

08/01/01 01:50A

08/01/01 03:00P

AUTOPSY FINAL REPORT

FINAL ANATOMIC DIAGNOSIS:

I. Exertional heatstroke with:

Patient presenting unresponsive with core body temperature 108.8 degrees Fahrenheit (42.7 degrees Centigrade).

В. Rhabdomyolysis (clinical).

Disseminated intravascular coagulation. C.

D. Acute tubular necrosis with acute renal failure.

Ε. Gastrointestinal hemorrhage, diffuse.

F. Cerebral edema.

G. Hepatocellular edema and focal necrosis.

Η. Myocardial edema and early necrosis with clinical heart failure.

Dictated: Transcribed:

08/02/01 08/02/01

Finalized:

08/08/01

D. GREMEL, M.D.

pap/08/08/01

STRINGER, KOREY

THIS DATA WILL NOT APPEAR ON FUTURE CUM. SUMS: **RETAIN ON RECORD THRU** DISCHARGE

Continued on Next Page



1025 Marsh Street
P.O. Box 8673
Mankato, MN 56002-8673
(507) 345-2626

Autopsy #: MA01-48

GROSS DESCRIPTION:

CLINICAL HISTORY: The patient is a 27-year-old black male who was brought to the emergency room unresponsive with a clinical history of heatstroke. The initial presenting temperature was 108.8 degrees Fahrenheit (42.7 degrees Celsius). The patient was rapidly cooled, and within an hour, the patient's temperature was 99 degrees Fahrenheit, and at 70 minutes, the patient's temperature was 98.2 degrees measured rectally. Despite aggressive management, the patient expired on August 1, 2001 at 1:50 a.m.

The patient's creatinine kinase (CK) increased to 101,410 u/L. SGOT rose to 4,324 u/L. SGPT to 2,125 u/L. The patient developed acute renal failure, disseminated intravascular coagulation, and gastrointestinal hemorrhage. Clinically, the patient developed heart failure. The patient never regained consciousness. A post mortem is requested by the attending physicians, and the family.

Toxicology studies are sent from premortem serum.

GROSS DESCRIPTION: The body is that of a black male measuring 76 inches in length and weighing approximately 330 to 340 pounds. The body appears muscular. There are tattoos noted on the anterior chest, arms and forearms. Otherwise, external examination reveals resuscitation attempts with IV sites in place, but no other distinguishing features. The external genitalia and skin otherwise appear intact. The eyes are brown. The pupils are equal. A small amount of blood is exuding from the nose.

INTERNAL EXAMINATION: The usual Y incision is employed revealing the anterior wall musculature to be somewhat flabby and slightly paler in color than expected. There is a moderate amount of adipose tissue at the umbilicus measuring approximately 4 to 5 cm. in thickness.

All organs appear in their normal anatomic position. There is minimal free pleural, pericardial, or peritoneal fluid.

ORGAN SYSTEM REVIEW:

<u>CARDIOVASCULAR SYSTEM:</u> The great vessels enter and leave the heart in the normal fashion. The pericardial sac is thin and

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Pathologists, P.C.

1025 Marsh Street P.O. Box 8673 Mankato, MN 56002-8673 (507) 345-2626

Autopsy #: MA01-48

GROSS DESCRIPTION (continued):

semitranslucent. The heart appears mildly enlarged weighing 585 gms. Sectioning reveals uniform myocardium. There is no evidence of excess flabbiness to the myocardium. The coronary arteries reveal minimal atherosclerotic streaking and appear patent. The cardiac valves appear normal. The arch of the aorta, thoracic abdominal aorta reveal atherosclerotic streaks, but there is no apparent plaquing or compromise of the arterial lumens. The great veins appear normal.

LUNGS:

RIGHT LUNG WEIGHT: 760 GMS. LEFT LUNG WEIGHT: 750 GMS.

The pleural surfaces are smooth and regular. Sectioning reveals a firm lung parenchyma consistent with a congestive pattern. No areas of consolidation or mass lesions are identified. The lower tracheal mucosa appears hyperemic. No pleural effusions are noted.

LIVER: WEIGHT: 2,545 GMS. Sectioning reveals uniform liver parenchyma. The gallbladder is present and appears normal. The common duct is patent.

SPLEEN: WEIGHT: 375 GMS. Sectioning reveals uniform splenic parenchyma. No lesions are noted.

<u>PANCREAS:</u> Sectioning reveals a tan pancreatic organ. No lesions

GASTROINTESTINAL TRACT: The esophagus courses normally to the stomach. The stomach contains air and a small amount of hematin stained material. The mucosa appears overall intact. There is slight congestion present.

LARGE AND SMALL BOWEL: The large and small bowel loops appear normally formed. There is no evidence of necrosis or malrotation. Sectioning reveals hematin stained material in the bowel lumen, and there are patchy areas of petechial hemorrhages of small and large bowel mucosa. The mesenteric appears fatty. The omentum is fatty.

GENITOURINARY SYSTEM:

RIGHT KIDNEY WEIGHT: 335 GM. LEFT KIDNEY WEIGHT: 310 GM.

Sectioning reveals slightly pale edematous appearing kidneys, but otherwise appear normal. The ureters course normally to the bladder. The bladder is flat and contains no recoverable urine. The prostate appears benign.

6

STRINGER, KOREY



Pathologists, P.C.

1025 Marsh Street P.O. Box 8673 Mankato, MN .56002-8673 (507) 345-2626

> MA01-48 Autopsy #:

GROSS DESCRIPTION (continued):

ADRENAL GLANDS: Sectioning reveals a yellow cortex and brown gelatinous medulla. No lesions are noted.

MUSCULATURE: Samples of muscle are taken from the abdominal wall and pelvic girdle muscles.

CASSETTE SUMMARY:

- 1 through 6 --- Skeletal muscle. 7 through 11 --- Heart.
- 12 --- Coronary vessels.
- 13 and 14 --- Lung.
- 15 --- Liver.
- 16 --- Spleen, gallbladder.
- 17 --- Pancreas, adrenal.
- 18 and 19 --- Kidney.
- 20 --- Esophagus.
- 21 through 25 --- GI tract.
- 26 --- Bladder.
- 27 --- Prostate
- Decal --- Rib.

CENTRAL NERVOUS SYSTEM; The scalp is incised in a posterior incision. The calvarium is entered through an elliptical incision. The brain appears tight in the cranial vault consistent with cerebral edema. There is minimal cerebellar tonsil deformity. After fixation, the brain weighs 1457 gms. Sectioning reveals decreased ventricular volume but otherwise no abnormalities are noted. The vessels appear normal.

CASSETTE SUMMARY:

- A --- Pituitary vessels.
- B --- Brain stem.
- C --- Pons.
- D --- Cerebellum.
- E --- Cortex, frontal.
- F --- Temporal cortex.
- G -- Basal ganglia. H --- Basal ganglia.
- I --- Temporal cortex.
- J --- Occipital cortex.
- K --- Substantia nigra.
- L --- Hippocampus.

DDG:pp

August 2, 2001

DDG/pap

STRINGER, KOREY



1025 Marsh Street P.O. Box 8673 Mankato, MM 56002-8673 (507) 345-2626

Autopsy #: MA01-48

MICROSCOPIC EXAMINATION:

SKELETAL MUSCLE: Sections of skeletal muscle reveals edema. Focal slight congestion is noted of the vessels.

HEART: Sections of the myocardium reveals congestion and edema. There is focal tearing of myocardial fibers and a suggestion of necrosis within the areas of edema between myocardial cells. The coronary vessels reveal focal intimal thickening.

LUNGS: Sections reveal congestion and focal edema.

LIVER: Sections reveal edema of hepatocytes and focal degenerative changes to hepatocytes with loss of nuclei and loss of defined cellular borders.

SPLEEN: Sections reveal congestion.

<u>PANCREAS:</u> Sections reveal normal acinar structures. Islets are noted.

ADRENAL GLANDS: Sections reveal congestion.

<u>KIDNEY:</u> Sections reveal congestion. There appears to be necrosis of proximal tubules and debris within the proximal and distal tubules consistent with an acute necrosis.

ESOPHAGUS: Sections of esophagus reveals congestion of the submucosa. The mucosa appears intact. Esophageal muscular wall reveals edema and congestion.

GASTROINTESTINAL TRACT: Sections of small and large bowel and stomach reveal congestion and necrosis of the mucosa. The submucosa reveals congestion and edema. Smooth muscle of the GI tract reveals edema.

URINARY BLADDER: Sections reveal edema of the muscular wall.

BRAIN: Pituitary appears normal. Congestion is present, however. Brainstem at the level of the olive nucleus reveals clearing around the vessels consistent with edema. Neurons appear with surrounding edema. There is some evidence of early neuronal damage. Sections of the pons reveal edema. Neurons reveal minimal damage.

The cerebellum reveals edema and focal degenerative changes to the Purkinje cells. Sections of cortex and basal ganglia reveal edema and focal neuronal degeneration.

STRINGER, KOREY



Pathologists, P.C.

1025 March Street
P.O. Box 8673
Mankato, MN 56002-8673
(507) 345-2626

Autopsy #: MA01-48

MICROSCOPIC EXAMINATION (continued):

DECAL SECTIONS: Sections of rib reveal normal appearing bone. There are maturing hematopoietic elements in the marrow space. Mild degenerative changes are noted.

DDG:pp August 8, 2001 DDG/pap

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AUTHORIZATION FOR AUTOPSY

MAOI-

48

Immanuel St. Joseph's	STRINGER KOREY DOB 05/08/74 Admit 07/04/44
Mayo Health System	Age 27 Sex M Mar.St. U
Date	Pt.City EDEN PRAIRIE, MW
1, Kelcie Stringer, 1	pearing the relationship of Wife
to Korey Stringer, 1	ecently deceased in Immanuel St. Joseph's - Mayo Health
System, hereby authorize Dr. 6 YeM	Porhobjand such persons as he may designate to
perform a: Complete	Head Only
Trunk Only	post-mortem examination on the body of the deceased, and to
remove and retain such organs and tissues as ma	by be necessary for further study to determine the cause of death,
and to advance medical knowledge and progress	
It is specifically understood that Immanuel St. Jo	oseph's - Mayo Health System may, to further medical
	available to research facilities or scientists, and I specifically
- -	- Mayo Health System of organs or tissues to such facilities or
cientists if, in the best judgement of Dr.	•
	n, medical knowledge and progress would be advanced by such
	ken to avoid mutilation or disfigurement of the body.
	Kelin Hing
	(Relationship)
5 ma 20-3996	- Joes Willy RV (Witness)
3 mg 920	
52	(Witness)

Lawrence Armstrong Deposition Exhibit 6, p. 3 [RID 00004]

Case: 2:03-cv-00665-MHW-MRA Doc #: 82-9 Filed: 01/05/09 Page: 16 of 45 PAGEID #: 1129



CREATIVE FOOTBALL CONCEPTS, INC.

"ONE STEP AHEAD OF THE GAME"

October 27, 1997

Dan Kult Riddell, Inc. 3670 N. Milwaukee Ave. Chicago, IL 60641

Dear Dan,

Enclosed is the sample of the Radiant Heat Deflection System for testing as per your request at our meeting on October 24, 1997. It was a pleasure to meet you and I look forward to future discussions on this subject.

If you have any questions, please call me at the number below. Good luck.

Best wishes,

Mark D. Monica

President

MDM/ps Enclosure



CREATIVE FOOTBALL CONCEPTS, INC.

"ONE STEP AHEAD OF THE GAME"

Radiant Heat Deflection System

HEAT- Heat is never really lost, it is transferred or altered in some way. Heat is transferred in three ways:

CONDUCTIVE HEAT- is the direct flow through a solid object from hot to cold.

If you stick your hand in the snow, the snow gets warmer and melts and your hand gets colder.

CONVECTIVE HEAT- is heat flow that is mostly upward and somewhat sideways. Heat flow is never downward when air is warmed. Warm air expands, becomes less dense and rises. It is the continuous movement of air or water transferring heat. Think of the convection oven in your kitchen.

RADIANT HEAT— is the flow of invisible infra-red rays emitting from the surface of an object, because of heat from within. ALL objects give off radiant heat, called radiation. Sunshine is a source of radiant energy. Radiation is also the form of transfer that most affects the comfort level of a building or home and is the primary source of human discomfort.

Body heat is lost by all three methods. Radiant heat loss is very small, for practical purposes insignificant. NASA determined that it was more essential to reflect radiation than absorb it. They developed methods of using thin layers of reflective materials to protect spacecraft from extreme temperature changes, ranging from zero to burning heat upon re-entry. Spin-off products from this space technology included reflective fire suits for high intensity temperatures. This technology is also used in reflective glass products which dominate the Sun Belt region. The use of reflective glass eliminates the need for insulation in the walls of these buildings totally. It is used basically anywhere exposure to heat is present and cooling is desired.

"What exactly is radiant energy?" Hold your hand over a hot cup of coffee and feel the heat. The logical conclusion is that heat rises. Logical maybe, but incorrect! "Hot air" rises but heat can travel in any direction. Radiant energy transfer is caused by a warm surface giving up its heat to a cooler surface. Whenever there is a temperature difference between two surfaces, both surfaces will attempt to equalize. Radiant energy travels through space without heating the space itself. It only turns into heat when it comes into contact with a cooler surface. Our human comfort relies just as much on radiant heat transfer as it does on air temperature. The majority of people think only in terms of air temperature.

8 WESTERLY AVE. • MADISON, NJ 07940 • TEL: 201-301-9093 • FAX: 201-301-2295

Radiant Barrier Technology consists of an airspace with one or more of its boundaries functioning as a radiant barrier. Radiant barriers are made of materials that restrict the transfer of infrared radiation across an airspace. They do this by reflecting the radiation that strikes them, and at the same time, not radiating heat energy. A material that inhibits radiative transfer in this manner is said to have a very low emissivity (the relative power of a surface to emit heat by radiation). The lower the emissivity, the better the radiant barrier. This is why the barrier can be placed on either upper or lower surfaces. One side reflects while the other side simply decreases the amount of emitted radiation. It is not necessary to form airtight seals with radiant barriers. Radiant energy travels in a straight line through the air but is not transported by the air.

Radiant heat is the major contributor to the heat load imposed on an athlete by the environment. Convective heat transfer adds to this radiant heat. Protective clothing is not worn by an athlete because such clothing greatly restricts the potential for body heat loss via evaporation. The athlete experiences a total heat load which is determined by the time spent on the field, the intensity of play, the clothing worn and the air circulation on the field as well as the environment. If the heat load is sufficiently severe, effects on the players health and performance will occur. These range from decreased concentration to painful cramps, fainting, heat exhaustion and heatstroke. These signs and symptoms require immediate medical attention by the teams trainer or doctor. Thermal comfort is determined by: the air temperature, the Medium Radiant temperature, air velocity, humidity in the air, level of activity, and the clothing an individual is wearing.

The RHDS consists of 100% pure industrial grade aluminum laminated (by a proprietary layering process) to a polyester fabric (not limited to polyester). The RHDS foil reflects 97% of radiation heat well in excess of 1000 degrees Fahrenheit.

Athletic Helmet Application— Using a football helmet as an example, the RHDS system components would be die cut to the helmets exact interior specifications (for that model helmet) of the interior protective padding. It would be applied simply by removing the protective release liner from the product and applied directly to the outer portion of the padding using pressure from one's hand. The interior protective padding would then be placed back into the helmet in its proper position. The radiant heat barrier would be facing outward directly underneath the helmet shell material (polycarbonate alloy) to block heat from entering and being absorbed by the athletes head. Other applications include: baseball hats, baseball batting helmets, lacrosse helmets, motorcycle helmets, auto racing helmets.

Athletic Body Application—Using football shoulder pads as an example, the RHDS system components can be used by two methods: 1) By using the foil alone and placing it on the pad itself, or 2) By using the foil which is laminated (but not limited) to open cell foam (which is commonly made of Urethane), closed cell foams such as Neoprene, Nitrile, Epichlorohydrin (ECH), Ethylene Propylene Terpolymer (EPT), Vinyl Nitrile, Styrene Butadiene (SBR), and Ethylene Vinyl Acetate (EVA). Some of these foams are presently used in shoulder pad manufacturing. With the laminated padded version, shoulder pad manufacturing companies can incorporate this material into their existing padding for added protection against heat and not change the look or protective ability of the pad itself. The end result would be a cooler body because of radiant heat reflection rather than absorption during the extremely hot summer months and a warmer body during the winter months because of the insulation in the padding. Other applications include: lacrosse pads, baseball umpire and catcher chest protectors, etc.

In a controlled laboratory test, we took two (2) identical helmets (Riddella model VSR4-Large) both painted in "High-Gloss" metallic Kelly Green paint. We placed the two helmets side by side under two (2) 250 watt infrared heat lamps. Using a Cooper Instruments digital probe thermometer, we placed one probe on the *outside* of the helmets to measure surface temperature, one on the *inside of the unlined helmet surface*, and one on the *inside surface of the RHDS lined helmet*. The following numbers represent the average temperatures for the series of tests.

	•	
After 10 minutes:	Outside surface temperature (shell)	121.10 degrees
	Inside temperature of unlined helmet	75.73 degrees
•	Inside temperature of RHDS helmet	74.33 degrees
	Difference in temperature	1.40 degrees
After 20 minutes:	Outside surface temperature (shell)	133.96 degrees
	Inside temperature of unlined helmet	89.10 degrees
	Inside temperature of RHDS helmet	81.03 degrees
•	Difference in temperature	8.07 degrees
After 49 minutes:	Outside midding and the in-	
twice 40 Hilliante?	Outside surface temperature (shell)	144.43 degrees
	Inside temperature of unlined helmet	111.00 degrees
	Inside temperature of RHDS belmet	94.20 degrees
-	Difference in temperature	16.80 degrees
After 60 minutes:	Outside surface temperature (shelf)	155.66 degrees
-	Inside temperature of unlined helmet	119.10 degrees
	Inside temperature of RHDS helmet	100.10 degrees
	Difference in temperature	
	Sherries a maintaine	19.00 degrees

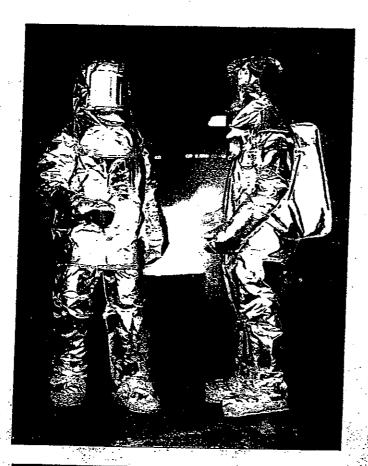
Recently, Riddella has been touting a new padding they will use inside their helmets that will drop the *inside* temperature one (1) degree for the user. Although this padding and concept is certainly a step in the right direction, it is not enough. In order to control what is happening on the *inside*, one must first control (as best they can) what is happening from the *outside*. By reflecting the radiant heat the athlete is subjected to rather than allowing his equipment and body to absorb it, it will produce a cooler athlete on the inside. That one degree from Riddell's padding may turn into five degrees in combination with the RHDS.

The only way to totally eliminate radiant heat exposure to an athlete is to: A) conduct all practices and games at night or, B) conduct all practices and games in domed facilities. Either scenario will never happen, so we have to do the best we can (to attempt) to control Mother Nature, and radiant heat barrier technology is the answer.

When you're talking about *flashpoint* for fire or explosions, one degree can make all the difference in the world. When you're dealing with the human body in terms of fever, the difference between a child with a 105 degree temperature and a 106 degree temperature can make all the difference in the world. When you're dealing with this particular application, one degree is *not* going to be felt by a football player working in 110 degree heat, however, 19 or more degrees will.

UNITED STATES PATENT PENDING

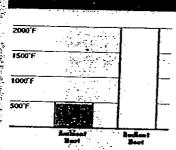
700 SERIES



700 SERIES PROXIMITY SUIT AND 705 SERIES PROXIMITY COVERNUS

prepel's 700 and 705 Series Proxim Suits are designed for performance of maintenance and repairs in high beat areas. Workers wearing these proximity gaments are insulated from hann by Pyreper's unique, proven multi layer con struction, with the outer layer composed of high semperature abunimized glass. An additional moisture/series barri lining provides protection in areas where exposure to hot liquids, steam, or hot rapor is a possibility. Redesigned for better fit, the 700 and 705 Series Suits are available in cov erall or coat and pant styles. The coverall or the coat and pant styles are available with an SCBA accommodation, if required. The 700 Series Suit comes complete with a hood with gold reflective faceshield, coat, pants, units, and boots The 705 Series has a hood with a gold reflective laceshield. coverall, boots and mitts. Both series are offered in sizes Small, Medium, Large, and Extra Large. Individual replacement components are available. Handy duffel/storage bags are also available. The 700 and 705 Series Proximity Suits are not to be used for fire entry.

Left. the 700 Series Proximity Sit Seaturing coat and pants. Right, the 705 Series Browning Suit, coverall style.



- Short duration entry into oven or other areas of high heat up to 500°F (277°C) ambient temperature.
- 2. Exposure to radiant heat up to 2000 F (1111 C).

700 /8a	Proximity Sun Complete, SCBA
·	accommodation
700	Proximity Suit Complete
705 /84	Proximity Coverall Complete
	SCBA 2000moodanoo
705	Proximity Coverall Complete
Suit Compo	nents
710-A6LG/BA	Proximity Bood
710-1 AGLG	Proximity Bood
722 AG/BA	Proximity Coverall
722AG	Proximity Coverall
720/BA	Proximity Cost
720	Proximity Coor
730	Proximity Pants

Proximity Boots

Proximity Mitts

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740- I

industries which was the finishes, such as auto office luminure, and appliance manufacturers. The Province's safe size at a positive control in over and conveyor repair.

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CONFIDENTIAL DISCLOSURE AGREEMENT

WHEREAS, Mark D. Monica, President of Creative Football Concepts, has certain confidential information relating to a Radiant Heat Deflection System and to technology related thereto which may be needed for successful practice or commercialization of said information (hereinafter referred to as "the INFORMATION") and desires to disclose the same to RIDDELL, Inc. (the "COMPANY") and;

WHEREAS, the COMPANY is interested in examining and evaluating the INFORMATION, in order to determine the desirability of acquiring rights in, and to, such information, and under any patent rights now existing, or hereafter obtained, relative to such INFORMATION;

Now, therefore, the parties hereby agree to the following terms and conditions:

- 1. Mark D. Monica shall disclose the INFORMATION to the COMPANY in writing, insofar as is practical, and in sufficient detail to enable the COMPANY to fully evaluate the same. Nothing herein shall obligate either party to disclose to the other party particular information and the receiving party shall have the right to refuse or accept any particular proprietary information which is offered.
- 2. Samples, data, and materials supplied by either party or prepared at either party's direction hereunder shall be deemed to contain confidential information of the supplying party.
- 3. The COMPANY agrees, for a period of five (5) years from the date hereof, that it will treat the INFORMATION with reasonable care to avoid disclosure of the INFORMATION to any other person, firm, or corporation, and the COMPANY shall be liable for unauthorized disclosure or failure to exercise such reasonable care. The COMPANY shall have no obligation, with respect to the INFORMATION, or any part thereof, which is:
 - (a) already known to the company at the time of the disclosure;
 - (b) becomes publicly known without the wrongful act or breach of this agreement by the COMPANY;
 - inghtfully received by the COMPANY from a third party on a nonconfidential basis;
 - (d) subsequently and independently developed by employees of the COMPANY who had no knowledge of the information; or
 - (e) approved for release by written authorization of Mark D. Monica

- 4. The COMPANY shall be entitled, at its option, to subject the INFORMATION to such tests, analyses, experiments, or clinical studies as are warranted in its judgment or of interest to it and to disclose the INFORMATION on a confidential basis to its employees.
- 5. Each party agrees that it will not, without the written permission of the other party, use the INFORMATION which it is obligated hereunder to maintain in confidence for any reason other than to enable the receiving party to determine the technical and economic feasibility of its business interests based on the INFORMATION; and that in no event will the receiving party itself commercially practice or cause to be practiced by a third party the technology represented by the INFORMATION which it is obligated hereunder to hold confidential without the expressed written permission of the disclosing party.
- 6. No obligation of payment, or of any other kind, is assumed by, nor may be implied against, the COMPANY, other than that of treating the INFORMATION as described above, and acceptance of the INFORMATION except as provided in paragraph 4, until or unless a formal written contract is entered into providing the terms and conditions of such use, and the rights to be acquired by the COMPANY.
- 7. Mark D. Monica represents and warrants that to its present knowledge and has the full right and authority to disclose the INFORMATION to the COMPANY and to self, assign, license or otherwise transfer all right in the INFORMATION, and further, to its present knowledge there has been no sale, assignment, license, or transfer to any person, firm, or corporation which would be inconsistent with said representations and warranties.

IN WITNESS WHEREOF the parties have signed or caused this agreement to be signed as of the dates below.

RIDDELL, Inc.

Rv

(signature)

Date: <u>PCT 24, 1997</u>

By:

Dan Kulf

Director of Technology

Date

24, 1997

Ą

(printed name)

CREATIVE POOTBALL CONCEPTS, int.

B WESTERLY AUE, MADISON, NJ 07940 (address)

973-301-9093 (phone number)

Ralph Goldman Deposition Exhibit 15 (FILED UNDER SEAL)

Thad Ide Deposition Excerpts

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 1	Page IN THE UNITED STATES DISTRICT COURT
2	FOR THE SOUTHERN DISTRICT OF OHIO
3	EASTERN DIVISION
4	TITE THE DIVIDION
5.	KELCI STRINGER, Individually,) CASE NO. C2 03 665
	20 Donmagantati 5
	Estate of Korey Stringer,) JUDGE HOLSCHUH
8	Plaintiff,)
	V.
	NATIONAL FOOTBALL LEAGUE,)
	et al.,
12	Defendants.)
13	Defendancs.
14	The deposition of THAD IDE, called for
15 /	examination, taken pursuant to the Federal Rules
	of Civil Procedure of the United States District
	Courts pertaining to the taking of depositions,
	taken before NANCY A. GUIDOLIN, CSR No. 84-2531, a
	Notary Public within and for the County of DuPage,
	State of Illinois, and a Certified Shorthand
	Reporter of said state, at the Westin O'Hare,
	5100 North River Road, Rosemont, Illinois, on the
	oth day of January, A.D. 2008, at 9:00 a.m.
	Tob No.: 185385

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1 much of the heat from the human body is released 2 through the head?

- 3 A. I am sure that I have. I don't recall 4 the exact percentage, but I am sure that I have.
- Q. Do you know if it's more than 50percent of the body's heat?
- 7 A. I don't remember if it's more or less 8 than 50 percent.
- 9 Q. Have you ever had any discussions with 10 anyone about the effect of an athlete wearing a 11 football helmet on a hot day?
- 12 MR. KELLY: Objection.

13 BY THE WITNESS:

14 A. Well, yes, as it relates to the 15 protective capability of the helmet. 16 BY MS. ROSELLE:

- 17 Q. What do you mean by that?
- 18 A. I mean that athletes wear football 19 helmets in a wide range of environmental 20 conditions. The helmet is expected to protect 21 them against foreseeable impacts in the football 22 environment.
- 23 Q. But my question -- so you are saying 24 that whether it's a hot day or a cold day, the

1 A. Could you repeat the question?

2 Q. Okay. What discussions or literature 3 have you read about the effect of wearing a helmet 4 on a hot day as it relates to the comfort of the 5 athlete?

Page 16

- 6 MR. KELLY: Object to the form. 7 BY THE WITNESS:
- 8 A. Well, I guess I can't say -- I can't
 9 speak to specific discussions or specific
 10 articles. You know, it's just that as a design
 11 criteria we would try to make the athlete
 12 comfortable or provide a comfortable helmet for
 13 them to wear.

14 BY MS. ROSELLE:

- 15 Q. Okay. And what aspects of the 16 athlete's comfort are you trying to design into a 17 helmet with regard to the athlete wearing the 18 helmet on a hot day?
- 19 MR. KELLY: Object to form; vague and 20 ambiguous.
- 21 BY THE WITNESS:
- 22 A. Yeah. I guess I don't really23 understand the question.24 BY MS. ROSELLE:

Page 15

- I effect of wearing a helmet is it protects an2 athlete from impact injuries?
- 3 MR. KELLY: Objection to form. It 4 mischaracterizes his testimony.
- 5 BY THE WITNESS:
- 6 A. What I am saying is that the primary 7 function of a football helmet is to protect the 8 athlete from the impacts that they might see while 9 playing football, and we expect our helmets to 10 perform across a wide variety of environmental 11 conditions.

12 BY MS. ROSELLE:

- 13 Q. Have you ever had any discussions with 14 anyone about the effect of wearing a football 15 helmet on body temperature of the athlete on a hot 16 day?
- 17 MR. KELLY: Objection.

18 BY THE WITNESS:

- 19 A. Possibly. Certainly as it relates to20 comfort of the athlete.
- 21 BY MS. ROSELLE:
- 22 Q. And what discussions or information do 23 you have about the comfort of wearing a football 24 helmet on a hot day?

- 1 Q. You said that you try to design the 2 helmet to provide comfort of the athlete, correct?
 - 3 A. Yes.
- 4 Q. Okay. What can you or have you5 designed into a helmet to make the helmet more6 comfortable for the athlete on a hot day?
- A. Well, regardless of whether the day is 8 hot or cool -- I am not exactly sure what hot 9 means to characterize it, but, I mean, we put 10 comfort padding in our helmet to make the helmet 11 comfortable for the athlete to wear.
- 12 Q. What else?
- 13 A. Well, we design the liner system to not 14 have pressure points. We also design -- Riddell's 15 liner systems are designed to have, I guess, 16 discontinuous surfaces in contact with your head 17 to allow some degree of air circulation.
- 18 Q. What else?
- 19 A. That's all, unless you have more
- 20 specific questions about feature.
- 21 Q. What was the purpose of putting crown 22 surface vent holes in the Revolution helmet?
- 234 MR. KELLY: Objection.
- 24 BY THE WITNESS:

5 (Pages 14 to 17)

Thad Ide Case: 2:03-cv-00665-MHW-MRA Doc #: 82-9 Filed: 01/05/09 Page: 29 of 45 PAGEID #: 11304 A. Well, I think there were two purposes. Page 18 2 One was to provide some unquantified degree of Page 20 I did that consist of? 3 ventilation and the other was as a styling A. Well, it consisted of two things. The 3 primary thing that it consisted of was monitoring 4 exercise. 4 head impacts. 5 BY MS. ROSELLE: Q. Okay. Did you also monitor Q. And what do you mean by "a styling 6 temperature? 7 exercise"? A. I mean for visual appearance. A. We did monitor temperature. 8 Q. And when did you do this study? Q. Now, you say that one of the purposes 10 was an untraumatized degree of ventilation. Did MR. KELLY: Objection. [] Riddell make any efforts to quantify the amount of 10 BY THE WITNESS: 12 ventilation that the crown surface vent holes A. Over the course of the last, I don't 11 13 would have in the Revolution helmet? 12 know, two, three years. 13 BY MS. ROSELLE: A. I don't recall any quantification. Q. And where are the results of this Q. Has Riddell ever done any testing 14 15 16 either at Riddell or through a contractor or a 15 study? 17 consultant to determine whether having crown 16 A. We have a report from our consulting 18 surface vent holes allows the athlete's body 17 group. 19 temperature to be lower than wearing a helmet 18 Q. And what report is that? MR. KELLY: Objection. 20 without crown surface vent holes? 19 20 BY THE WITNESS: MR. KELLY: Objection. 22 BY THE WITNESS: A. It's a -- it's called a HITS Data 21 22 Mining Report. A. By athlete's body temperature, what do 24 you mean? Core body temperature? 23 BY MS. ROSELLE: 24 Q. HITS? Page 19 1 BY MS. ROSELLE: A. H-I-T-S, all caps. Page 21 Q. Yes. A. No. Not relating to core body 2 Q. Data? A. It stands for Head Impact Telemetry 3 4 temperature. 4 System Data Mining. Q. Have you done any testing regarding Q. And who was the consultant that 6 anything to do with the athlete's body 7 temperature? 6 prepared it? A. Well, we have done testing relating to A. Simbex. Q. How do you spell that? 9 the helmet temperature. Q. And this is the Revolution helmet? A. S-i-m-b-e-x. 10 Q. And have you produced that report in A. And previous models -- or previous 11 11 this litigation? 12 model, the VSR-4. MR. KELLY: Objection. 12 Q. Tell me what testing that you did of 14 the Revolution helmet related to temperature? 13 BY THE WITNESS: A. Well, we have monitored athletes in

A. We have not.

15 BY MS. ROSELLE: 16

Q. Can you tell me why not?

MR. KELLY: Hold on. On the record you are 17 18 starting to get at potential expert testimony 19 here. That's the problem, expert witnesses. We 20 are not under a duty to disclose our experts yet. MS. ROSELLE: The witness has not told me 22 that this was prepared with regard to litigation. 23 He told me that Riddell has monitored athletes in 24 play.

6 (Pages 18 to 21)

16 play wearing the Revolution football helmet. We 17 have monitored the in-helmet temperature using a

We have monitored the temperature

Q. Okay. Let's start with the first one

24 athletes in play in the Revolution helmet. What

18 remote transmitter system that Riddell has.

20 inside of helmets in, you know, a number of

23 that you have said, that you have monitored

21 different playing conditions.

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- I MS. ROSELLE: Are you instructing the witness 2 not to answer?
- 3 MR. TUCKER: The witness will answer your 4 questions that are appropriate, but only in 5 accordance with the court's schedule. So you are 6 not entitled to find out the results of expert 7 testimony that will be disclosed in accordance
- 8 with the court's schedule.
 9 MS. ROSELLE: Are you instructing the witness
 10 not to answer the last question?
- 11 MR. KELLY: The witness can answer the 12 questions. He doesn't have the report. So he is 13 not going to be able to tell you what the data is 14 because he doesn't have it. If you want to ask 15 him kind of top line, and if he can recall it, 16 that's okay, but that's all that you are going to 17 get today.

18 BY MS. ROSELLE:

- 19 Q. Can you answer my question?
- 20 A. I don't have the report. I have not21 reviewed the report in some time, and I cannot22 recall the specifics of it.
- Q. Do you recall -- did the study also24 include a helmet without crown surface vent holes?

1 to the extent that the witness is instructed not
2 to speak of any issues relating to the litigation,
3 counsel, or the desire as was part of litigation
4 to try to address some of the allegations that you
5 had made in this Complaint which were filed prior
6 to Simbex's work. So the witness is excluding
7 from that answer anything having to do with those
8 issues. He is not going to tell you about that.
9 BY MS. ROSELLE:

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- 10 Q. You may answer the question.
- 11 MR. TUCKER: You know that you are not 12 entitled to it. With that instruction having 13 nothing -- he is leaving out anything having to do 14 with the litigation or lawyers.

15 BY THE WITNESS:

- 16 A. Riddell was interested in the on-field 17 player head impact data, you know, specifically, 18 and what it may tell us and guide us in ways to 19 make more impact protective football headgear. 20 BY MS. ROSELLE:
- 21 Q. And as a result of this study, have you 22 made any changes to your headgear?
- 23 A. Nothing that's in the marketplace yet.
- 24 Q. Is there any other work that has been

Page 31

- 1 A. Yes.
- 2 Q. Okay. And which helmet was used that 3 did not have crown surface vent holes?
- 4 A. The Riddell VSR-4.
- 5 Q. And do you recall whether the results 6 of the study with the crown surface vent holes 7 were compared to the results of the study with the 8 VSR-4?
- A. I believe they were.
- 10 Q. And do you recall what the study showed 11 with regard to the temperature inside of the 12 helmets?
- 13 MR. TUCKER: Again, I will object to that, 14 but if you can recall the data, he can tell you 15 what the conclusion was.

16 BY THE WITNESS:

17 A. I recall that there was no difference18 between the temperature in the helmets with and19 without crown vent holes.

20 BY MS. ROSELLE:

- 21 Q. What is your understanding of the 22 reason that Riddell had the study done?
- 23 MR. KELLY: Objection.
- 24 MR. TUCKER: That's an objectionable question

- 1 done with regard to the Revolution helmet that has 2 monitored athletes in play with regard to 3 temperature?
- 4 A. Not that I know of.
- Q. Is there any research that Riddell has
 done that monitored athletes in play with regard
 to temperature for the AF-2 helmet?
- 8 A. Not that I know of.
- Q. Is there any other research that has
 10 been done that monitored athletes in play with
 11 regard to temperature using the VSR-4 helmet?
- 12 MR. KELLY: Objection; vague and ambiguous.
- 13 Do you mean body temperature or helmet temperature 14 or both?
- 15 MS. ROSELLE: Temperature. Either.
- 16 MR. KELLY: Okay.

17 BY THE WITNESS:

- 18 A. And you are asking about Riddell 19 research, because I don't know if --
- 20 BY MS. ROSELLE:
- 21 Q. Riddell research or research that
- 22 Riddell contracted for.
- 23 4 A. Again, not that I am aware of.
- 24 Q. In the Answers to Interrogatories that

9 (Pages 30 to 33)

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l have been marked as Ide Exhibit 11 --

MR. BLOCK: 21 you mean?

3 BY MS. ROSELLE:

Q. I am sorry. 21. It states that, "In 5 or about February of 2002 defendants performed 6 testing related to the temperature of the front 7 pad in the Riddell VSR-4 football helmet over an

8 hour of wear and a report was generated." Do you 9 recall that?

MR. KELLY: Objection. You mean the answer 11 to the Interrogatory or the research that you are 12 describing?

13 BY MS. ROSELLE:

Q. The research.

15 A. Yes. I think that I do.

Q. What do you recall of that? 16

17 A. I recall being present when the 18 experiment was conducted.

Q. Who conducted the experiment? 19

A. Nelson Kraemer and myself. 20

Q. Okay. And can you describe the 21 22 hypothesis for the experiment to me?

MR. KELLY: Objection.

24 BY THE WITNESS:

1 BY MS. ROSELLE:

Q. And why did you want to know that?

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Page 37

A. I don't recall or not, but this may

4 have been done in response to other litigation.

Q. What litigation?

A. I don't know specifically if it was or 6 7 wasn't done in response to other litigation, but 8 it could have been done in response to either a

9 head injury case we had or a cervical spine injury 10 case that we had.

Q. I am going to hand you two pages that 12 were attached to the Answers to Interrogatories 13 which are Exhibit 21, and ask you if either of

14 these pages are the results of that testing done 15 in February of 2002?

MR. BLOCK: Are you going to mark them? 16

MS. ROSELLE: They have been marked as part 17 18 of Exhibit 21.

MR. BLOCK: Sorry. Thank you. Do you mind 20 telling me what the Bates numbers are?

21 MS. ROSELLE: 00016 and 17.

22 BY THE WITNESS:

A. I believe these are two different 24 experiments. This is the one that I am recalling

Page 35 A. I don't know that we hypothesized

2 anything. The experiment -- or the test was done

3 simply for information sake to see what the

4 temperature within the padding structure in our

5 football helmet would be over a period of time 6 when on somebody's head.

7 BY MS. ROSELLE:

Q. Why did you want to know that?

MR. KELLY: Objection.

10 BY THE WITNESS:

A. Because our helmets are expected to 12 protect athletes from, you know, football type of 13 impacts over a wide range of temperatures. We 14 wanted to know, you know, what temperatures may be 15 expected in the padding structure.

16 BY MS. ROSELLE:

Q. And why did you -- what was it about 18 the temperature in the padding structure that you 19 were interested in?

MR. KELLY: Object to form. 20

21 BY THE WITNESS:

A. Well, we were just curious as to, you 23 know, what temperature the padding structure would 24 reach at equilibrium on a person's head.

I that I have been speaking about, 00017.

2 BY MS. ROSELLE: 3

Q. Do you know what 00016 is?

A. I think.

MR. KELLY: Don't guess if you don't know. 6 BY THE WITNESS:

A. Well, these appear to be Nelson

8 Kraemer's handwritten notes for a different 9 experiment that he conducted. I would have to let

10 him speak to the specifics of this experiment.

11 BY MS. ROSELLE:

Q. And what do you recall of that 12 13 experiment?

MR. KELLY: Which one?

15 BY MS. ROSELLE:

16 Q. 00016.

A. I recall that he was testing helmet 18 temperature inside and out on a warm day in 19 Chicago, but I don't recall the specific protocol 20 that he used.

Q. Do you recall if there was a person 21 22 inside of the helmet?

23 A. I don't believe so. I think that he 24 was using surrogate head forms.

10 (Pages 34 to 37)

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Page 38 Q. And what about the experiment that is 2 the results of which are on 00017? Was there a

3 human head inside of the helmet during that study?

A. Yes.

Q. Okay. Can you tell me how that study 6 was conducted?

A. Well, I believe that we simply placed a 8 VSR-4 Riddell helmet on a human subject over the 9 course of an hour periodically, as it says in the 10 report and using a temperature probe we measured 11 the temperature of the midpoint of the front pad 12 in the football helmet and recorded those numbers.

Q. And where was the February 2002 study 13 14 done?

A. In the laboratories at Riddell's office 16 on Milwaukee Avenue in Chicago.

Q. Can I see those two pages again, 18 please? Thank you.

On the study that you did on February 20 27, 2002, was the person inside of the helmet 21 exercising during the study?

A. I don't recall. I don't think so.

23 Q. So now it says here on Page 00017 that 24 the temperature of the front pad rose 14 degrees A. Yeah. I don't -- I don't recall any

2 data other than what is recorded in that report. 3 BY MS. ROSELLE:

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Q. Do you have any reason to doubt the 5 truthfulness of the information written by 6 Mr. Kraemer on Page 00017?

MR. KELLY: Objection.

8 BY THE WITNESS:

A. I don't,

10 BY MS. ROSELLE:

Q. Would you have reviewed this at the 12 time that Mr. Kraemer wrote it?

A. It's very likely that I reviewed it at 14 the time that he wrote it.

Q. If you had disagreed with it, would you 16 have made him change the wording?

MR. KELLY: Objection.

18 BY THE WITNESS:

A. I don't know that I would have made him 20 change the wording. I may have noted my 21 disagreement.

22 BY MS. ROSELLE:

Q. To the best of your recollection does 24 Page 00017 accurately report the results of that

Page 39

1 Fahrenheit over the one-hour period. The room 2 temperature was approximately 72 degrees during

3 the test. Do you see that?

Yes.

Q. Okay. So you are saying that the 6 athlete or the individual was not exercising, he 7 was just in a room that was 72 degrees wearing a 8 helmet and the temperature of the front pad of the 9 helmet rose 14 degrees in an hour?

MR. KELLY: I don't think that this witness 11 claims to have authored that report.

MS. ROSELLE: He said that he was there.

MR. KELLY: He did, but you are forwarding 14 something that he didn't write, and I don't think

15 it's appropriate to attribute that language to 16 him.

17 BY MS. ROSELLE:

Q. You can answer.

A. I would just be parroting back to you 20 the results of the report that you are reading. 21 Yes, it says that.

Q. What do you recall of the study?

23 MR. KELLY: Asked and answered.

24 BY THE WITNESS:

1 study?

A. Yes. It does.

Q. Do you recall where the 24-year-old 4 male came from who was used as the subject in that 5 study?

MR. KELLY: Objection.

7 BY THE WITNESS:

A. Yes. He was one of the documentation 9 technical draftsmen that worked in the laboratory. 10 BY MS. ROSELLE:

Q. So it was a Riddell employee?

12 A. Yes.

Q. Now, with regard to Riddell 00016, do 13 14 you recall anything about this study?

A. I don't recall anything about it other 16 than what was written in the report.

Q. Do you recall whether there was a 18 person inside of the helmet during this study?

MR. KELLY: Objection. He just says that he 20 doesn't recall anything other than the report. 21 BY THE WITNESS:

22 A. No. I think that I already told you 23 that there was a surrogate head form used. 24 BY MS. ROSELLE:

11 (Pages 38 to 41)

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- 1 Q. Just a head form. And was this done in 2 a laboratory?
- 3 A. Well, it was conducted out of doors and4 in the laboratory.
- Q. When it was conducted in the6 laboratory, do you know what was used to increase7 the temperature?
- 8 A. I don't know.
- 9 Q. Do you remember when the study was 10 done?
- 11 A. I don't remember specifically when it 12 was done.
- 13 Q. Do you recall whether this study, the 14 one that is on 0016, was done because of pending 15 litigation?
- 16 A. I don't recall the circumstances that17 led to that study.
- 18 Q. And just so that I am clear, is it the 19 study that is on 00017 that you think was done, 20 perhaps, because of pending litigation?
- 21 A. Perhaps, yes.
- 22 Q. Now, the Answers to Interrogatories
- 23 indicate on Page 8 in or about September of 2003
- 24 Defendants performed testing of interior and

- 1 A. I don't. I don't, but I don't see the 2 Kraemer exhibits. These are just the Klepek 3 exhibits.
- 4 MR. KELLY: I don't know that the Nelson
- 5 Kraemer studies were introduced as exhibits
- 6 yesterday which raises the point that you had 7 Nelson sitting in that chair yesterday and you
- 8 could have asked him those questions, and you
- 9 didn't. So I think it's inappropriate to make 10 this witness go through this exercise.
- 11 MS. ROSELLE: I am questioning whether you 12 have produced that study, and, if so, I would like 13 the Bates numbers.
- 14 MR. KELLY: We did produce the study. You15 have the documents sitting right in front of you.
- 16 MS. ROSELLE: What are you referring to?
- 17 MR. KELLY: Those are handwritten notes that 18 you are looking at. That was Nelson's study.
- 19 MS. ROSELLE: Mr. Ide said that he believes20 that there is a more complete study report.
- 21 MR. KELLY: And Mr. Ide says what he says, 22 and you are assuming that there is something to 23 produce, and I telling you that you had the author 24 of that study sitting in front of you, and he

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- 1 exterior temperature of a VSR football helmet 2 under direct sunlight and a report was generated.
- Was the report from September 2003 this
- 4 document that has the page number 00016?
- 5 MR. KELLY: Objection. In light of his 6 testimony that he is not even sure that he looked 7 at those Answers to Interrogatories and in light
- 8 of his testimony that he is not sure what is going
- 9 on with that study, that question is
- 10 inappropriate. Objection.

11 BY THE WITNESS:

- 12 A. I believe there is a more complete13 written report of that particular study, the one14 that is referenced in the Interrogatories.
- 15 BY MS. ROSELLE:
- 16 Q. And you think there is a more complete 17 report of the September 2003 study?
- 18 A. There is at least one that is typed, I 19 believe.
- 20 Q. And what would it be called?
- 21 A. I don't know.
- 22 Q. Would you look at the exhibits, and 23 will you go through these exhibits from yesterday
- 24 and tell me if you see that study in there?

I didn't testify that there was anything else.

- 2 MS. ROSELLE: Are you saying that there is no 3 other study?
- 4 MR. KELLY: No. You are talking about 5 another study.
- 6 MS. ROSELLE: Another report for the
- 7 September '03 study.
- 8 MR. KELLY: I don't believe that there is.
- 9 We have produced what we have. Again, the right 10 guy to ask that question was Nelson Kraemer.
- 11 BY THE WITNESS:
- 12 A. I don't see it here.
- 13 BY MS. ROSELLE:
- 14 Q. But you do think there is a more15 complete report?
- 16 A. I think so.
- 17 MR. KELLY: Is this what you are thinking of 18 (indicating)?
- 19 THE WITNESS: Yes.
- 20 BY MS. ROSELLE:
- 21 Q. I will hand you what has been marked 22 again as Ide 21, and ask you to turn to RID 00012, 23 which is part of that exhibit?
- 24 MR. KELLY: Let the record reflect that the

12 (Pages 42 to 45)

Thad Ide Case: 2:03-cv-00665-MHW-MRA Doc #: 82-9 Filed: 01/05/09 Page: 34 of 45 PAGEID #: 11309 1 document that I just handed you is RID 00012. 1 this diagram? 2 BY THE WITNESS: 2 BY MS. ROSELLE: A. Yes. 3 Q. Yes, sir. 4 BY MS. ROSELLE: A. I guess I don't know what the specific Q. Is this the report that you are 5 functions of any -- necessarily any of the 6 referring to? 6 entities within the Bell Sports or Easton Sports A. Yes. It's 00012 through 00015 I think. 7 portion of this diagram are. MR. TUCKER: Ms. Roselle, may we have our Q. With regard to the Riddell section of 9 copy back, please? 9 the diagram? 10 MS. ROSELLE: Yes. A. MacGregor Corporation I am not sure. I 10 11 BY MS. ROSELLE: 11 believe Equilink, MacMark and Ridmark are all Q. Does reviewing that 00012 refresh your 12 entities that hold various trademarks and 13 recollection at all as to why that study was done? 13 licenses. Riddell, Incorporated, and All American 14 A. No. I can't add anything that is not 14 Sports Corporation are sister companies under 15 written in the report. 15 Riddell Sports Group. All American Sports Corp. Q. And is 00016 the handwritten notes 16 provides reconditioning -- athletic equipment 17 relating to that study? 17 reconditioning services and sales and distribution MR. KELLY: Objection. These are not your 18 18 services. 19 notes, are they? 19 Riddell is a product development 20 BY tHE WITNESS: 20 marketing and design company of athletic A. They are not mine. I don't know. They 21 equipment. 22 appear to be, but I can't say specifically. Q. What is the difference between what All 22 MR. KELLY: Can we take five minutes, please? 23 23 American Sport does and what Riddell does? 24 MS. ROSELLE: Sure. MR. KELLY: Objection. Page 47 (WHEREUPON, a recess was had.) Page 49 1 BY THE WITNESS: 2 BY MS. ROSELLE: A. As I understand it, All American Sports Q. Are there any other studies that 3 Corp. provides reconditioning and recertification 4 Riddell has done that you are aware of that 4 services of athletic equipment. They also have a 5 monitored temperature with regard to football 5 sales organization that provides sales and 6 helmets? 6 distribution services of Riddell products. A. Not that I am aware of. 7 7 BY MS. ROSELLE: Q. Are there any studies that Riddell has Q. And which entity issues your paycheck? 9 done that monitored temperature with regard to A. All American Sports Corp. issues my 10 Power shoulder pads? 10 paycheck. A. Not that I am aware of. Q. Do you consider that you are employed 11 Q. Okay. Turning to the interrogatories, 12 12 by All American Sports or by Riddell? 13 again, which are Exhibit 21, there is a sheet 13 A. By Riddell. 14 there that has an organizational chart. 14 Q. And why is that? 15 A. Yes. 15 MR. KELLY: Objection. Q. Would you look at that organizational 16 BY THE WITNESS: 17

17 chart and tell me with regard to any company that 18 you are familiar with what that company is and

19 what type of business it conducts. MR. KELLY: For the record, we are looking at

21 RID 0001, and I will object to the question. It's 22 a little bit vague and ambiguous.

23 BY THE WITNESS:

A. With regard to any of the blocks on

A. Because I was hired by Riddell. I 18 think the fact that my paycheck is issued by All 19 American Sports Corp. is just a payroll function 20 within the company.

21 BY MS. ROSELLE:

Q. Is your paycheck signed by an employee 23 of All American Sports or an employee of Riddell?

A. I don't know who signs the paycheck.

13 (Pages 46 to 49)

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I A. I left Riddell.

2 Q. And where did you go?

A. Schutt Sports Group.

4 Q. And what was your job at Schutt Sports 5 Group?

A. Product development manager.

Q. And how long were you with Schutt?

8 A. Three-and-a-half years.

9 Q. What type of products were you making 10 while you were with Schutt?

11 MR. KELLY: Objection.

12 BY THE WITNESS:

13 A. Football helmets, football protective14 gear, baseball protective gear.

15 BY MS. ROSELLE:

16 Q. So you were with Schutt from17 approximately 1994 to approximately late 1997?

18 A. Late 1993 to early 1997, yes.

19 MR. KELLY: By the way, it's Schutt, just so 20 you know.

21 BY MS. ROSELLE:

22 Q. And during the years that you were with

23 Schutt, did Schutt manufacture any helmet that had 24 crown surface vent holes?

Page 75

A. Yes.

2 Q. What helmets did Schutt manufacture 3 during the years that you were with them that had 4 crown surface vent holes?

5 A. To clarify, they had holes in the6 surface of the helmet. I don't know that they7 were marketed as vent holes.

8 Q. What was the helmet or helmets that had 9 these holes in the surface of the helmet?

10 A. There were baseball batters' and 11 catchers' helmets, football helmet. There were 12 some multi-sport helmets, and maybe a water-skiing 13 helmet even.

14 Q. Do you know the name of the football 15 helmets that had holes in the surface of the 16 helmet?

17 A. Yes.

18 Q. What were they?

19 A. The Pro Air 2 football helmet, the Air 20 Power football helmet, the Air Varsity football 21 helmet, the Air 4, Air 5, Air Youth, Air Junior.

22 Q. Did you say Air You or Air Youth?

23 A. Youth,

24 Q. Any others?

I A. Not that I recall.

2 Q. Okay. Was Schutt manufacturing

3 football helmets with holes in the surface of the

Page 76

Page 77

4 helmet at the time that you joined them?

A. Yes. I think so.

6 Q. During the years that you were with 7 Schutt, did you design any helmets that had holes 8 in the surface?

9 A. I designed the interior configuration.10 The football helmet shell was more or less the

11 same for all of those models of helmet.

12 Q. Which helmets did you design the 13 interior configuration?

14 A. The Air Varsity and some aspects of the

15 Pro Air 2 and Air Power.

16 Q. Were any of the helmets --

17 A. And the Air Junior.

18 Q. Were any of the helmets manufactured by 19 Schutt during the years that you were working for 20 them helmets that were marketed to athletes or

21 teams of the NFL?

22 MR. KELLY: Objection.

23 BY THE WITNESS:

24 A. Yes. All of the adult helmets.

1 BY MS. ROSELLE:

Q. What was your understanding of why the3 Schutt helmets had holes in the surface of the

4 helmet?

5 A. I don't know specifically.

6 Q. Did you ever ask?

7 A. I don't recall asking.
8 O. Do you have your name.

8 Q. Do you have your name on any patents 9 that were developed during the years that you 10 worked for Schutt?

11 A. Yes.

12 Q. What patents is your name on?

13 A. A universal fit baseball batter's

14 helmet.

15 Q. Anything else?

16 A. No.

17 Q. During the years that you worked at

18 Schutt, did you come to understand that there were 19 any advantages of having holes in the surface of 20 the helmet?

21 A. No. I don't recall ever discussing it

22 with anyone.

 $23 \stackrel{?}{*} \mathbf{Q}$. Did anyone during the years that you 24 worked at Schutt bring to your attention that

20 (Pages 74 to 77)

I there were any disadvantages related to having 2 holes in the surface of the helmet?

A. I don't recall discussing it which 4 anyone.

Q. At the time that you left Schutt, were 6 they still manufacturing football helmets that had 7 holes in the surface of the helmet?

A. Yes.

Q. Okay. And can you describe for me 10 where in the surface of the helmet the holes were 11 located?

12 A. There was one hole in proximity to the 13 ear of each player. There were smaller drilled 14 holes encompassing the crown of the helmet. Maybe 15 six holes total.

Q. During the years that you were with 17 Schutt, did you come to understand that there were 18 any technical -- technological reasons that 19 limited or made impossible the manufacture of 20 helmets for football with holes in the surface of 21 the helmet?

MR. KELLY: Objection.

23 BY THE WITNESS:

24 A. That made impossible? l helmets with holes in the surface of the helmet?

2 A. I don't know.

Q. During the years that you were at 3 4 Schutt, was there any testing done of the helmet 5 with holes in the surface of the helmet with 6 regard to temperature?

7 A. Not that I am aware of.

8 During the years that you were at 9 Schutt, was there any testing done of the helmets 10 with holes in the surface of the helmets with Heregard to whether having holes in the surface of 12 the helmet impacted the protective ability of the 13 helmet to prevent brain injury to the athlete? MR. KELLY: Objection; compound. 14

THE WITNESS: Could you read the question 15 16 back?

17 (WHEREUPON, the record was read by 18 the reporter as requested.)

19 BY THE WITNESS:

A. When I was at Schutt, we tested our 21 helmets extensively with respect to mitigating 22 impact force on the football field. I don't know 23 that we did any comparative testing between 24 helmets that had holes in them and helmets that

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1 BY MS. ROSELLE:

Q. Yeah.

3 A. Not that made impossible.

Q. Okay. Would you agree that the 5 technology existed during the years that you 6 worked at Schutt beginning in late 1993 to make 7 football helmets with holes in the surface of the 8 helmet?

MR. KELLY: Objection.

MR. BLOCK: I think it misstates dates on 11 working at Schutt.

THE WITNESS: Would you read that back? 12

13 (WHEREUPON, the record was read by 14

the reporter as requested.)

15 BY THE WITNESS:

A. Schutt drilled holes into the surface 17 of their football helmet. Yes, that technology 18 existed.

19 BY MS. ROSELLE:

Q. Do you know when that technology first 21 existed?

A. I don't know when drilling technology 23 was invented, no.

Q. Do you know when Schutt first marketed

1 did not have holes in them.

2 BY MS. ROSELLE:

Q. In the testing that you did, do you 4 recall any problems raised through that testing 5 that was the result of having holes in the helmet?

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MR. KELLY: Objection. I am not sure that he 7 testified that he personally was involved in any 8 of those tests.

9 BY THE WITNESS:

A. I don't recall any problems.

11 BY MS. ROSELLE:

Q. Did you remain in the same job at 13 Schutt for the three-and-a-half years that you 14 stayed there?

A. Yes. The name of the employer and 16 location changed, but I was product development 17 manager performing similar functions for the 18 entire time.

Q. And why did you leave Schutt? 19

20 A. Nike made me a better offer.

21 Q. Who made you a better offer?

22 A. Nike.

23 + Okay. And what years did you work for Q.

24 Nike?

21 (Pages 78 to 81)

Case: 2

l you -- if I understood you right, there was a 2 company known as Bike Athletic Company that was 3 making football helmets?

- A. They were not making football helmets. 5 They wanted to get into the football helmet 6 business.
- Q. And what consulting did you do for them 8 with regard to football helmets?
- A. Through the company that they had 10 contracted to manufacture the football helmet, H which was called Lexington Safety Products, 12 Southern Impact Research designed and developed a 13 line of adult and youth football helmets that Bike 14 intended to market.
- Q. And did those football helmets have 15 16 names?
- 17 A. Yes.
- 18 Q. Do you recall the names?
- A. The adult helmet was called the Bike 20 Pro Addition. I don't recall what the youth
- 21 football helmets' names were.
- Q. And can you tell me did the adult 23 football helmet have any vent holes in the shell 24 of the helmet?

1 BY THE WITNESS:

A. It looked like a football helmet shell 3 with circular or elliptical holes, smallish holes,

4 about the crown of the helmet.

5 BY MS. ROSELLE:

- Q. How many holes were there?
- 7 A. I don't recall.
- Q. How big were the holes?
- 9 A. I don't recall.
- 10 Q. Do you know if the helmet was ever 11 manufactured and sold?
- 12 A. Yes.
- Q. Is it still manufactured and sold? 13
- A. Yes. It is.
- Q. And do you know who they marketed it 15 16 to?
- 17 MR. KELLY: Objection.

18 BY THE WITNESS:

- A. I believe it's marketed as a line of 20 youth and adult football helmets.
- 21 BY MS. ROSELLE:
- Q. Do you know under what name the helmet 23 is sold?
- A. I believe it's called the Adams A 2000

A. It had holes in the shell of the 2 helmet, yes.

- Q. And what was the purpose of the holes 4 in the shell of the helmet?
- A. To enhance player comfort.
- Q. Okay. When you say, "enhance player 7 comfort," what are you referring to?
- A. I am referring to they are allowing for 9 air circulation and ventilation or the illusion 10 thereof.
- Q. And can you describe for me what the 12 shell of the helmet looked like with regard to the 13 vent holes?
- A. Could you ask the question more 15 specifically?
- Q. Yeah. With regard to the adult 17 football helmet that you were working on during 18 the time that you were either employed by or a 19 consultant for Southern Impact Research Center, 20 can you describe for me what the shell of the 21 football helmet looked like with regard to the 22 ventilation holes?
- MR. KELLY: Objection to the extent that it 24 mischaracterizes his testimony.

I football helmet.

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Q. And what is the company that is selling 3 it?

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- A. Adams USA. Well, to clarify, the 4 5 company that manufactures it and markets it is
- 6 Adams USA. It's distributed through sporting
- 7 goods dealers. So sporting goods dealers sell it.
- Q. Do you hold any patents with regard to 9 that football helmet? 10
 - A. Yes.
- 11 Q. What patent do you hold?
- A. I don't specifically recall how much 13 there are, but there are design and possibly

14 utility patents on the particular football helmet.

- Q. When you began working on that helmet, 16 had the shell for the helmet, including the 17 ventilation holes, already been developed, or were 18 you involved in the development of the shell?
- MR. KELLY: Objection; mischaracterizes his 20 testimony.
- 21 BY THE WITNESS:
- 22 A. The helmet had not yet been developed. 23 Southern Impact Research designed and developed 24 the helmet shell and the helmet interior.

24 (Pages 90 to 93)

1 BY MS. ROSELLE:

- Q. And were you involved in the design of 3 the shell?
- A. Yes.
- Q. And you were involved in the decision 6 to put in ventilation holes?
- A. I don't recall having any input in one 8 way or the other on the inclusion of ventilation 9 holes.
- 10 Q. Who else were you working with on the 11 development of that helmet?
- A. David Halstead, Cherie Alexander. A 13 number of business people at Bike Athletic and 14 Lexington Safety Products.
- 15 MR. KELLY: Let's take a quick break.
- 16 MS. ROSELLE: Sure.
- 17 (WHEREUPON, a recess was had.) 18 BY MS. ROSELLE:
- Q. Would you please turn in the exhibits 20 that are in front of you to Klepek Exhibit 14, 21 which is a patent dated May 8, 2001.
- Is this the helmet that you worked on 23 that became known as the A 2000 and was marketed 24 by Adams USA?

- I sketch appears to have holes for ear openings and 2 it appears to have a hole in the crown where the
- 3 manufacturing screw structure is drilled out, but
- 4 it doesn't appear to have any other holes in the 5 surface.
- 6 BY MS. ROSELLE:
- 7 Q. Do you know where Cherie Alexander is
- 9 A. No.
- 10 Q. Do you know where Peter Halstead is 11 now?
- 12 A. Yes.
- 13 Q. Where is he?
- 14 A. Well, I don't know where he is right
- 15 now, but he still operates Southern Impact
- 16 Research Center in Knoxville, Tennessee.
- Q. During the time that you did work for 18 Southern Impact Research Center either as an
- 19 independent consultant or as an employee, do
- 20 you -- did you participate in any conversations or 21 review any literature about whether putting holes
- 22 in the shell of the helmet would have an effect
- 23 on the athlete's body temperature?
- A. I don't recall reviewing any 24

Page 95

- A. No.
- Q. Are you familiar with the helmet that 3 is the subject of Klepek Exhibit 14?
- A. Yes.
- Q. How does this helmet differ from the 5 6 one that you were working on?
- A. It differs greatly. All of the 8 componentry is different. The only thing that it 9 has in common is that it's a football helmet. It
- 10 meets the same standards probably.
- 11 Q. Did you work on this helmet at all?
- A. I may have done some component work, 13 some of the padding structures, but I don't recall 14 specifically working on this helmet.
- Q. Turning to the second page of this 16 helmet, the helmet that you worked on, were the 17 vent holes in the shell in different locations 18 than the ones on this helmet which is Klepek 19 Exhibit 14?
- MR. KELLY: Objection. To the extent that 21 you can tell from this picture.
- 22 BY THE WITNESS:
- A. Yeah. I don't know specifically where 24 the holes were in the shell of this helmet. The

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- I literature. I am sure that we had conversations 2 about the shell design as we developed the
- 3 football helmet for Bike.
- Q. Do you remember having any discussions
- 5 about the shell design and the possibility of that 6 having holes in the shell in addition to enhancing
- 7 the player's comfort would also help to protect
- 8 the athlete from a heat-related illness such as
- 9 heat exhaustion or heatstroke?
- MR. KELLY: Objection; calls for speculation,
- II and it's compound. It's an incomplete
- 12 hypothetical. You can answer if you can.
- THE WITNESS: Could you reread it to me, 14 please?
- 15 (WHEREUPON, the record was read by
- 16 the reporter as requested.)
- 17 MR. KELLY: Same objections.
- 18 BY THE WITNESS:
- A. I don't recall ever discussing the
- 20 possibility of that it would decrease the risk of
- 21 heat exhaustion or heatstroke.
- 22 BY MS. ROSELLE:
- 23 , Q. During the time that you were with

24 Nike, do you recall any discussions with regard to

25 (Pages 94 to 97)

- A. I would have worked on manufacturing 3 processes, but not shell designs.
- Q. Am I correct that -- strike that.
- Where did you go after Southern Impact? 5
- A. To Riddell. 6
- Q. And what year did you join Riddell? 7
- A. September of 2000.
- Q. And what was your job when you returned 10 to Riddell?
- A. Director of technology.
- Q. And what did your job responsibilities
- A. Well, my job responsibilities were to 15 have the research and product development group 16 and quality assurance group report to me.
- Q. And who do you report to?
- A. Currently? 18
- Q. At the time that you joined in 19 20 September of 2000.
- A. Bill Sherman.
- Q. And what was his title? 22
- A. In September of 2000 I believe he was 23
- 24 general manager of Riddell Institutional.

43 BY MS. ROSELLE:

- Q. And which ones are those?
- A. The Little Pro, the SR2Y, the VSR-4,
- 6 the Revolution, the Revolution Youth, Revolution
- 7 Little Pro, Revolution IQ, Revolution IQ Hits.
- Q. Do all of the Revolution helmets that 9 you have just named have vent holes in the crown 10 surface area?
- A. They all have holes in the crown 11 12 surface, yes.
- Q. Okay. Is the Little Pro a helmet that 14 is marketed to athletes in the NFL?
- A. No. 15
- 16 Q. No?
- A. No. 17
- Q. It's for children? 18
- A. Yes. Youth players. 19
- Q. What is the VSR-2Y? 20
- A. Also a helmet marketed to junior high 21 22 and youth players.
- Q. And the VSR-4, what did you do with 24 regard to the design of that helmet?

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- Q. And do you know who he reported to? I
- A. David Mauer.
- Q. And who is David Mauer? 3
- A. M-a-u-e-r.
- Q. And who was he? 5
- A. He was the CEO of Riddell Sports.
- O. And what is Riddell Sports as opposed
- 8 to Riddell? Is it the same company?
- A. In those in 2000 Riddell Sports was 10 a public company that included a number of other 11 entities that I couldn't name.
- Q. Once you returned to Riddell in 13 September of 2000, did you participate in the 14 design of football helmets?
- 15 A. Yes.
- Q. Okay. What football helmets did you 17 participate in the design of after you came back 18 to Riddell in September of 2000?
- MR. KELLY: Objection. You mean new helmets 19 20 or --
- MS. ROSELLE: Yeah. 21
- MR. KELLY: Okay.
- 23 BY THE WITNESS:
- A. I had some involvement in the design of

- A. Designed some changes in the padding 2 structures.
- Q. Did you do anything with regard to the 3 4 design of the shell?
- A. Well, I think that we may have changed
- 6 the face guard mounting location and done some
- 7 hardware interface work on the inside of the
- 8 shell. So in that regard, yes.
- Q. During your career beginning in 1992,
- 10 with regard to the football helmets that you
- 11 helped to design and manufacture, have all of the
- 12 helmets for adults other than the VSR-4 had vent
- 13 holes in the shell of the helmet?
- MR. KELLY: Objection to the extent that it
- 15 mischaracterizes his prior testimony.
- 16 BY THE WITNESS:
- A. Well, no. To the extent that I worked
- 18 on the Adams A-1 helmet it does not. The Riddell 19 AF-2, WD-1, WD-2, all of which I worked on in some
- 20 regard, do not have holes in the crown of the
- 21 helmet.
- 22 BY MS. ROSELLE:
- O. What is the Adams A-1 helmet? 23
- A. It's the helmet shown in Klepek 24

27 (Pages 102 to 105)

1 Exhibit 14.

- 2 Q. Okay. I thought that the Adams A-1 did 3 have holes in the --
- A. It has an ear hole.
- 5 Q. -- crown?
- 6 MR. KELLY: I will object. This exhibit is a 7 patent. That's all that it is.
- 8 BY MS, ROSELLE:
- 9 Q. Did you ever work on the shell design 10 of the WD-1?
- 11 A. Possibly in the same ways that I
 12 mentioned working on the VSR-4 shell. We may have
 13 changed the face guard mounting hole locations and
 14 some of the hardware interface points on the
 15 interior of the shell.
- 16 Q. Did you ever work on the shell design 17 of the AF-2?
- 18 A. The same answer.
- 19 O. And what is the VSR-2?
- 20 A: The VSR-2 is a helmet -- VSR-2Y is a
- 21 youth helmet product marketed to junior high and 22 younger players.
- 23 Q. Okay. With regard to the Adams A-1, 24 the WD-1 and the AF-2, did you ever work on the

I They had holes in the helmet shell.

- 2 BY MS. ROSELLE:
- Q. And in these helmets that you were
- 4 involved in the design and manufacture of that had

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- 5 holes in the helmet shells, were you instrumental
- 6 in the decision to have holes in the helmet 7 shells?
- 8 MR. KELLY: Objection; asked and answered and 9 mischaracterizes his testimony.

10 BY THE WITNESS:

- 11 A. In some of them.
- 12 BY MS. ROSELLE:
- 13 Q. Which ones were you instrumental in the 14 decision to have holes in the helmet shells?
- 15 A. The Riddell Revolution.
- 16 O. Is that the only one?
- 17 A. Specific to football helmets or all 18 helmets?
- 19 O. Yes.
- 20 A. The Riddell Revolution is -- the series
- 21 of Riddell Revolution helmets is the -- probably
- 22 the only one that I was instrumental in adding 23 those features to the helmet shell.
- 24 Q. And can you tell me why you thought

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- 1 design of the shell for those helmets?
- 2 MR. KELLY: Objection. Just asked and 3 answered, I think.
- 4 BY THE WITNESS:
- 5 A. Again, only with respect to face guard 6 mounting points and hardware interfaces on the 7 inside.
- 8 BY MS. ROSELLE:
- 9 Q. With regard to helmets that you have 10 been involved in the design and manufacture of for 11 adults playing football, all of the helmets that 12 you were involved in the design of the shell other 13 than the placement of the face guard were helmets 14 that had vent holes for air circulation; is that 15 correct?
- 16 MR. KELLY: Objection; mischaracterizes his 17 testimony, compound, vague and ambiguous. 18 BY THE WITNESS:
- 19 A. They had holes in the helmet shell.20 BY MS. ROSELLE:
- 21 O. So I am correct?
- 22 MR. KELLY: Objection.
- 23 BY THE WITNESS:
- 24 A. I will stay with my former answer.

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- 1 that those -- that the Revolution helmets should 2 have holes in the helmet shell?
- 2 A T T I I I I I I T I I A
- 3 A. I guess I don't know that I thought
- 4 that the helmet should have holes in the helmet
- 5 shell. I don't believe that I had a strong
- 6 feeling about it one way or another, but as a
- 7 marketing tool and as a means of stating that we
- 8 were enhancing player comfort via ventilation, I
- 9 agreed to add those holes to the helmet shell.
- 10 Q. Who did you agree with?
- 11 A. Riddell's sales and marketing team.
- 12 Q. Was it the sales and marketing team 13 that wanted the vent holes added to the helmet 14 shell?
- 15 A. I don't recall specifically --
- 16 MR. KELLY: Objection.
- 17 BY THE WITNESS:
- 18 A. I don't recall specifically who wanted19 it or who was a particular proponent or detractor20 in the hole argument. I don't recall.
- 21 BY MS. ROSELLE:
- 22 Q. At the time that the Revolution helmet 23 was designed by Riddell, do you know how many 24 companies were selling football helmets to the

28 (Pages 106 to 109)

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1 and fitting instruction document for the VSR-4 and 2 the VSR-2Y?

MR. KELLY: It appears to be, yes.

4 BY MS. ROSELLE:

Q. Is there a similar document for the 6 AF-2 helmet?

A. Yes.

MS. ROSELLE: Mr. Kelly, did you produce the

9 similar document for the AF-2 helmet?

MR. KELLY: I think so, but if I didn't it II was because I, like you, at the time of production 12 thought that he was wearing a VSR-4. I would be 13 happy to follow-up with something when it's 14 арргоргіате.

MS. ROSELLE: Thank you.

16 BY MS. ROSELLE:

Q. Were you involved in the wording on 18 either the helmet care and fitting instructions 19 for the Revolution helmet or the VSR-4 and VSR-2Y 20 helmet?

A. The fitting portions, yes.

Okay. If you look specifically at the 23 Revolution football helmet pages, which are RID 24 00100 and 101, can you identify for the record the Q. Yes.

MR. KELLY: Let the record reflect that we 2 3 are looking at the right most panel on document

4 No. 00010 -- or, excuse me, 00100.

5 BY THE WITNESS:

A. When folded would be Page 1 of the 7 helmet care and fitting instructions. Mr. Lester 8 would have prepared that.

9 BY MS. ROSELLE:

Q. Did you consult with him with regard to 11 that warning?

A. I don't recall. Maybe at some point, 13 but he would have taken the lead on that.

Q. Okay. If this document were inside of 15 a helmet, it would be folded, correct?

16 A. Yes.

Q. Okay. And could you tell me which --17 18 as you unfolded it, which panel would be on top 19 and then when you opened it, which one would be 20 second, third and fourth?

21 MR. KELLY: Objection. 22 BY THE WITNESS:

A. This panel which doesn't mean anything 24 to you, but the --

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I parts that you were involved in writing?

A. I, or the engineering and design group, 3 would have been involved in all panels of -- all 4 panels that are shown on 00101 and the panel title 5 "Replacing Liners" on 00100.

Q. Did you have any involvement in the 7 wording on the third panel on 00100 entitled, 8 "Warnings"?

A. I don't believe so.

Q. Do you know who at Riddell was involved ll in preparing the warnings on this document?

A. Dick Lester would have been.

Q. Do you know of anyone else that was 13 14 involved?

A. I probably consulted with Dick, but I 16 don't know of anyone else who would have been 17 involved.

Q. In the fourth panel on the same page 19 there is another warning. Do you know who 20 prepared that warning?

MR. KELLY: Objection.

22 BY THE WITNESS:

A. I am sorry. This warning here?

24 BY MS. ROSELLE:

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MR. BLOCK: The one on the farther right. 2 BY THE WITNESS:

A. The right most panel of 00100 would 4 have been the cover, the first panel. Then the 5 four panels in sequence on 00101 would have been 6 the second, third, fourth and fifth panel.

MR. KELLY: From left to right?

THE WITNESS: Going from left to right. 9 BY THE WITNESS:

A. Then I am not actually sure which order 11 the left three panels would have appeared in the 12 folded copy on 00100.

13 BY MS. ROSELLE:

Q. Turning to the next part of Ide Exhibit 15 19, which are the pages 102 and 103, can you tell 16 me with regard to the warning on the third panel 17 on Page 102 who prepared those warnings?

A. I don't know. I am certain Mr. Lester 18 19 had lead input in them.

Q. The fourth panel on Page 00102, with 21 regard to the warnings on that panel, do you know 22 who prepared those?

23 A. Again, I believe Mr. Lester did. They 24 very closely follow the guidelines that are laid

32 (Pages 122 to 125)

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- (WHEREUPON, the following
- 2 proceedings were had not designated
- 3 as confidential:)
- 4 BY MS. ROSELLE:

1

- 5 Q. Now, you were talking about a fan. We 6 are switching topics again back to other
- 7 technologies or ideas that you have heard about
- 8 over the years that might be used to cool an
- 9 athlete wearing a helmet, and one you said was a
- 10 fan in the helmet. And other than hearing about
- 11 this, did you ever do any research or look into 12 it?
- 13 MR. KELLY: I want to object to the extent 14 that that summary mischaracterizes his testimony. 15 You can answer.

16 BY THE WITNESS:

- 17 A. I don't believe that we did or I did 18 any other -- any other research.
- 19 BY MS. ROSELLE:
- 20 Q. With regard to fans?
- 21 A. With regard to the fan.
- 22 Q. Okay. Anything else that you looked 23 into --
- 24 MR. KELLY: Objection.

1 BY THE WITNESS:

- A. By my recollection of the exhibits that
- 3 were placed into evidence yesterday, is the test
- 4 data was on Southern Impact Research test forms
- 5 and the test report was a Southern Impact Research 6 Center test report.
- 7 BY MS. ROSELLE:
- 8 Q. Okay. Do you remember who sent you 9 marketing literature?
- 10 A. I don't remember if it was one of -- I 11 don't remember. It could have been one of our 12 salesmen that picked it up when they visited with 13 a team, or it could have actually been directly 14 from Gel Cool. I don't recall.
- 15 Q. Do you know if anyone from Gel Cool has 16 tried to reach you by mail, Internet or telephone?
- 17 MR. KELLY: Objection.

18 BY THE WITNESS:

- 19 A. Yes. Larry, and I forget his last 20 name, of Gel Cool sent me an e-mail at the very 21 end of last year, a few weeks ago. That's the 22 only contact that I have had.
- 23 BY MS. ROSELLE:
- 24 Q. And did you respond to him?

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1 BY MS. ROSELLE:

- Q. -- or heard about over the years?
- 3 A. Well, I very recently heard of the Gel4 Cool System that was put in evidence yesterday.
- 5 Q. And how did you hear of that?
- 6 A. I don't know if I was sent -- I was
- 7 sent marketing literature, and Southern Impact
- 8 Research contacted me when they were -- when they
- 9 were apprised of the product and asked to do the 10 testing.
- 11 Q. Who at Southern Research?
- 12 A. Dave Halstead,
- 13 Q. Did Dave Halstead do the testing on the 14 Gel Cool System?
- 15 MR. KELLY: Objection.

16 BY THE WITNESS:

- 17 A. I don't know if Dave did it or one of
- 18 the laboratory supervisors or technicians did it.
- 19 It was just a NOCSAE testing on a helmet that was 20 fitted with the Gel Cool System.
- 21 BY MS. ROSELLE:
- 22 Q. Was the testing done by Southern Impact 23 Research?
- 24 MR. KELLY: Objection.

Page 174

- A. I have not yet followed up with him.
- Q. Did you actually talk to anyone at
- 3 Southern Impact Research about Gel Cool Systems?
- 4 A. I don't recall if it was a
- 5 conversation -- I don't recall if it was a
- 6 conversation or an e-mail that I received from 7 them.
- 8 Q. From Southern Impact?
- 9 A. From Southern Impact.
- 10 Q. Do you recall what you learned either
- Il from the e-mail or the phone conversation?
- 12 MR. KELLY: Objection.

13 BY THE WITNESS:

- 14 A. I just learned that they were -- that
 15 there was an accessory available to Riddell
 16 helmets that the members of Southern Impact had
 17 alerted Gel Cool would possibly compromise the
 18 impact performance of the football helmet, and
 19 they should get it tested before further marketing
 20 the product.
- 21 BY MS. ROSELLE:
- 22 Q. And did they do that testing?
- 23 Å A. Yes. I think that it was all done in 24 recent weeks.

37 (Pages 171 to 174)

- I Carolina, possibly Oklahoma, University of
- 2 Oklahoma for various research projects that we 3 don't have anything to do with really.
- Q. Anybody else?
- A. Yes. We have also provided discounted
- 6 HITS related product to Dartmouth and to Brown 7 Universities also for NIH grants that they have.
- Q. What is HITS?
- A. Head Impact Telemetry System.
- Q. And what type of HITS related product 11 do you supply?
- A. The instrumented helmets, computer 13 electronics, and maybe the helmets themselves may 14 be included in those packages.
- Q. Anything else?
- A. We fund research at the University of 17 Pittsburgh Medical Center.
- O. What kind of research is that? 18
- 19 A. Neuropsychological testing and on-field 20 concussion evaluation.
- 21 Q. Anything else?
- 22 A. We support research at the University 23 of New Hampshire.
- 24 Q. What type of research is that?

- A. I should also add, as did those who
- 2 testified yesterday, that Riddell through our
- 3 License Agreement with NOCSAE funds a number of
- 4 research projects that NOCSAE supports.
- I am sorry. Klepek exhibit?
- 6 BY MS. ROSELLE:
- Q. 10.
- MR. BLOCK: You said 12.
- 9 BY MS. ROSELLE:
- 10 Q. I am sorry. It's 10.
- 11 A. I'm glad that I asked.
- 12 Q. Have you ever seen this document
- 13 before?
- A. I am not sure that I have ever seen 15 this document, but I have seen the report by
- 16 Dr. Mueller before.
- Q. What report by Dr. Mueller? 17
- 18 A. I think Dr. Mueller makes a similar 19 report annually.
- 20 Q. Have you reviewed reports by
- 21 Dr. Mueller before?
- A. I think that I have read them before.
- 23 I don't recall specifics, but --
- Q. Do you recall reviewing reports that

- A. Athletic training, emergency on-field 2 care of injured athletes.
- Q. And is that financial support that you 4 give them or something else?
- A. We have given financial support to 6 evaluate emergency removal of face guards, we have 7 also supplied them with a lot of product with
- 8 which to do their testing, and, you know, we have 9 provided resource support, human support for them
- 10 also.
- 11 Q. Anything else?
- 12 A. Not that I can recall.
- Q. To the best of your knowledge do any of 14 the projects that Riddell provides support for 15 relate to an evaluation of whether modifications 16 can be made to equipment or procedures to reduce 17 the risk of heat-related illness such as heat
- 18 exhaustion and heatstroke?
- MR. KELLY: Objection.
- 20 BY THE WITNESS:
- A. To the best of my knowledge, no.
- 22 BY MS. ROSELLE:
- Q. Would you please turn to Klepek
- 24 Exhibit 12?

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- 1 Dr. Mueller has prepared that deal with football 2 fatalities or illnesses as a result of heatstroke
- 3 or heat exhaustion?
- A. I don't specifically recall reviewing
- 5 them relating to heatstroke or heat exhaustion.
- Q. Prior to yesterday were you aware of 7 the number of heatstroke deaths in football?
- MR. BLOCK: Object to the form.
- 9 BY THE WITNESS:
- A. Specifically, no.
- 11 BY MS. ROSELLE:
- Q. Have you ever seen any statistics
- 13 concerning the amount of heat-related illness
- 14 either heat exhaustion or heatstroke in football 15 players?
- MR. KELLY: Object to form.
- 17 BY THE WITNESS:
- A. I don't recall seeing any specific
- 19 statistics on that.
- 20 BY MS. ROSELLE:
- 21 Q. Has the NFL ever shared with you their 22 database on injuries in football?
- 23 MR. KELLY: Object to the form.
- 24 MR. BLOCK: Object to the form.

41 (Pages 187 to 190)

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- A. I am aware that the database exists,
- 3 but I don't recall specifically ever seeing the 4 database.
- 5 BY MS. ROSELLE:
- Q. How did you become aware that the 7 database exists?
- A. I know Dr. John Powell keeps the 9 database, and I know of his participation with the 10 NFL.
- Q. What do you know of Dr. John Powell? 11
- Just that much, that he is also a 12 13 professor at Michigan State University, although 14 that has no connection to me, and I didn't know 15 him when I was there, but I believe that he sits 16 on one or more of the medical committees of the 17 NFL, and he is responsible for the database, but 18 beyond that I don't have anything to add.
- 19 Q. Is it your understanding that he is the 20 person responsible for the entire database of the
- 22 MR. BLOCK: Object to the form.
- 23 BY THE WITNESS:
- A. I don't know.

- 1 York Giants, maybe somebody else. Dr. Mark
- 2 Lovell, Dr. Ira Casson, Dr. Joe Wackerly.
- Oftentimes there would be, you know,
- 4 specific researchers there that they wanted to ask 5 questions of.
- Q. Anyone else that you recall?
- 7 A. Not off of the top of my head. No.
- 8 Q. Do you know who Dr. Mark Lovell is?
- 9 A. Mark Lovell. Yes, I know who he is.
- 10 Q. Who is he?
- 11 A. He is a neuropsychologist at the
- 12 University of Pittsburgh Medical Center.
- Q. And is he the individual or is he in 14 the department that Riddell was providing funding 15 for at the University of Pittsburgh Medical 16 Center?
- A. Yes. He is in the department. 17
- 18 Q. And the funding that Riddell is 19 providing to the University of Pittsburgh Medical 20 Center, is it related to his work?

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- 21 MR. KELLY: Objection.
- 22 BY THE WITNESS:
- A. Not specifically, but he is in a 24 research -- he is a collaborative researcher with

Page 192 1 BY MS. ROSELLE:

- Q. Where do you get the information that 3 he sits on one or more medical committees of the 4 NFL?
- A. I have -- I have attended meetings of 6 the NFL subcommittee on mild traumatic brain 7 injury and have seen Dr. Powell present.
- Q. How many of these meetings have you 9 attended?
- A. I don't know. Three, maybe four. 10
- Q. And when were they? 11
- A. They have been at various times over
- 13 the past seven years. I think seven,
- 14 seven-and-a-half years that I have been at 15 Riddell.
- Q. And do you know anyone else that was at 17 the meetings?
- A. Do I know other committee members?
- Q. Anyone that you saw in the meeting that 20 you recognized?
- A. Yes. Dr. Elliott Ellman chaired the
- 22 question for a while. Dr. David Viano was there.
- 23 There were athletic trainers, professional
- 24 athletic trainers present. Ron Barns from the New

1 the principal that is on our research work.

- 2 BY MS. ROSELLE:
- 3 Q. And who is that?
- A. Dr. Michael Collins.
- Q. Now, this money that you give to the 6 University of Pittsburgh Medical Center, does
- 7 Dr. Collins or someone else submit a grant
- 8 application to Riddell, or how is it determined
- 9 that you give the money and how much?
- 10 A. Initially there was a request for
- 11 funding submitted to Riddell when we began funding 12 the research in 2001 or 2002.
- Q. And do you know how much you fund every 13 14 year?
- A. We fund between 50 and \$75,000 a year.
- 16 It varies depending on how many students and what 17 sort of staffing they attribute to their research 18 each year.
- 19 Q. Dr. Ira Hason, do you know who he is?
- 20 A. Casson.
- 2! Q. Do you know who he is?
- A. I know that he was currently co-chair 23 of the MTBI subcommittee, but I don't know much 24 else about him.

42 (Pages 191 to 194)

Pope Moseley Deposition Exhibit 22, p. 19 Simbex Report (FILED UNDER SEAL)